IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC. APPLICATION NO. 1534 OF 2006

Santosh B. Alkunthe ...Applicant

Versus

State of Maharashtra ... Respondent.

Mr. B.A. Allor for the applicant.
Mrs. Usha Kejriwal, Additional Public Prosecutor, for the respondent.

CORAM: **KSHITIJ R. VYAS, C.J.**
DATE: **JUNE 16, 2006**.

P.C.

Heard the learned counsel for the applicant and the learned Additional Public Prosecutor and perused the record.

2. The applicant is facing trial under Section 302 of the Indian Penal Code on the allegation that he has committed the murder of his own brother Raju Balappa Alkunte. According to the prosecution, a quarrel took place between the father of the applicant and the applicant. At that time, deceased also interfered and tried to settle the dispute. The applicant entered the house of the deceased and had a further quarrel with the deceased. The applicant took some weapon like sharp edged blade (*vastara)* and inflicted injuries on the back of the

deceased. The deceased was also assaulted with iron needle (*tochya)*. The incident happened in the presence of the complainant, who is the wife of the deceased, elder sister-in-law, mother-in-law and some neighbours.

3. After having perused the record, I am of the view that the applicant is not entitled to bail as he has committed an offence of murder. The incident took place in the house in a broad day light. The medical evidence is in conformity with the oral evidence. There is direct evidence about the incident. In my opinion, no case is made out for releasing the applicant on bail. The learned counsel for the applicant submitted that the applicant may be released on bail by imposing strict conditions. As stated above, prima facie, the involvement of the applicant is established beyond doubt and, therefore, the question of releasing the applicant does not arise. Hence the application for bail is rejected.

CHIEF JUSTICE